

ORDINANCE NO. 191

AN ORDINANCE AMENDING THE NEIGHBORHOOD SERVICES ZONING ASSOCIATED WITH LOT 3, SUMMIT 56 FINAL PLAT, CITY OF BEE CAVE, TRAVIS COUNTY, AS RECORDED IN DOCUMENT 2010000095, TRAVIS COUNTY DEED RECORDS AND WHICH PROPERTY IS LOCATED AT 15606 WEST HIGHWAY 71, BEE CAVE, TEXAS; TO AUTHORIZE RESTAURANT USE AS A CONDITIONAL USE AND PROVIDING FOR CERTAIN CONDITIONS; PROVIDING FINDINGS OF FACT; PROVIDING FOR PENALTIES.

WHEREAS, an application has been submitted to amend the Neighborhood Services zoning associated with Lot 3, Summit 56 Final Plat, as recorded in document 2010000095, Travis County Deed Records and which property is located at 15606 West Highway 71, Bee Cave, Texas (the "Property") to add restaurant use as a Conditional Use to the Neighborhood Services district zoning; and

WHEREAS, the property owner has submitted a Concept Plan depicting the proposed restaurant use and has described operational parameters in its conditional use permit application, described in Exhibit "B", attached hereto, and has otherwise complied with the requirements of the City of Bee Cave Ordinances for a Conditional Use Permit;

WHEREAS, the notice as required by the City's Zoning Ordinance has been published in the official newspaper and given to adjacent property owners;

WHEREAS, the Planning and Zoning Commission and the City Council has each conducted Public Hearings on the Application for a Conditional Use Permit wherein public comment was received and considered;

WHEREAS, restaurant use in conjunction with Neighborhood Services zoning is authorized in such zoning districts upon granting of a Conditional Use Permit;

WHEREAS, the City Council finds that the use of the Property for restaurant use as depicted in the Concept Plan and as described in Exhibit "B" in accordance with any terms or conditions set out in this Ordinance or other ordinances or approvals applicable to the Property is an appropriate use for the Property.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEE CAVE, TEXAS:

Section 1. The City Council finds that the information submitted in the Application for a Conditional Use Permit submitted by Applicant meets the requirements of the City of Bee Cave Zoning Ordinance for the Property depicted on the Concept Plan attached hereto and incorporated herein as Exhibit "A".

Section 2. Uses. A Conditional Use Permit is hereby granted, subject to the conditions listed in Section 4 and other limitations herein described, to authorize restaurant use on the Property as depicted in Exhibit "A" and in conjunction any other permitted uses authorized in Neighborhood Services zoning districts.

Section 3. Concept Plan. The Concept Plan attached hereto as Exhibit "A" depicting the restaurant use, the restaurant architectural elevations, and other associated uses and amenities depicted in the Concept Plan are all hereby approved contingent upon the property owner meeting the conditions contained within Section 4 and in this Ordinance;

Section 4. Conditional Use Permit. The City Council hereby approves a Conditional Use Permit to the property owner (hereinafter "Permittee") upon the following terms and conditions:

1. Permittee shall not commence development until it has secured all building permits and has received any other approvals as required by the City of Bee Cave Ordinances. Provided however, that any structures under construction prior to the date that the Property was annexed into the city limits are not required to obtain a building permit;
2. The Conditional Use Permit authorizes additional development of the subject Property only as represented in the Permittee's application and only to the extent such development is depicted in the Concept Plan or described in Exhibit "B", attached hereto and only to the extent authorized herein. If portions of the development of the subject Property requested in the application are not approved herein by the Council, or are not depicted in Exhibit "A", or described in Exhibit "B" then that portion of Permittee's application is specifically denied;
- 3.. Outdoor music shall be allowed on the Property so long as such music is not amplified and so long as such music does not exceed 65 decibels at the Property boundaries.
4. The uses authorized in this Conditional Use Permit shall also comply with the development standards and operational standards described in Exhibit "B" attached hereto.

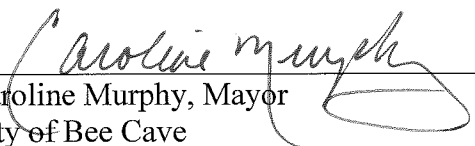
Section. 5. That any person, firm or corporation violating any of the provisions of this Ordinance or Chapter 32, Zoning, of the Code of Ordinances, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Bee Cave, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day of any such violation shall be deemed to constitute a separate offense, in accordance with Section 1.01.009 of the City's Code of Ordinances.

Section 6. Severability. Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the City's Zoning Ordinance or Map as a whole.

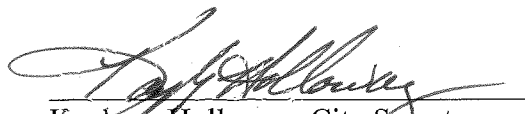
Section 7. This Ordinance shall take effect immediately from and after its passage and publication as required by law.

PASSED AND APPROVED this 11th day of March, 2014.

APPROVED:


Caroline Murphy, Mayor
City of Bee Cave

ATTEST:


Kaylynn Holloway, City Secretary
City of Bee Cave, Texas

[SEAL]

APPROVED AS TO FORM:

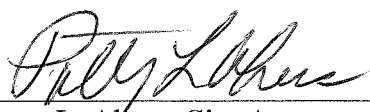

Patty L. Akers, City Attorney

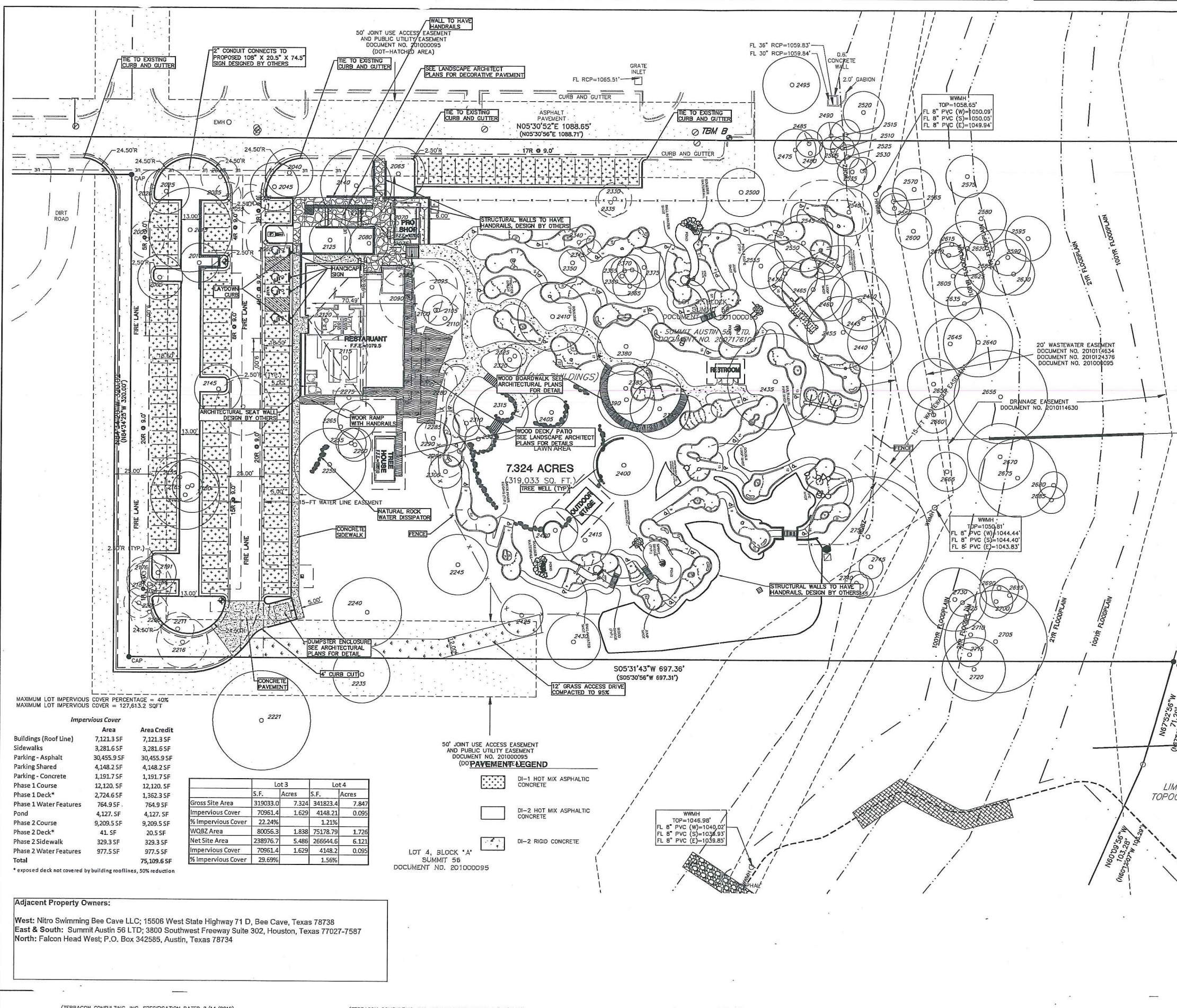
EXHIBIT "A"
CONCEPT PLAN



HILL COUNTRY GOLF AND GUITAR SCHEMATIC DESIGN

JANUARY 6, 2012

The information shown is based on the best information available and is subject to change without notice.



LEGEND

EXISTING	PROPOSED	DESCRIPTION
EMH	EMH	ELECTRIC MANHOLE (SIZE VARIES)
WMH	WMH	WASTEWATER MANHOLE (SIZE VARIES)
SMH	SMH	STORMSEWER MANHOLE (SIZE VARIES)
TMH	TMH	TELEPHONE MANHOLE (SIZE VARIES)
D	D	DUMPSTER
TC	TC	TRASH COMPACTOR
CG	CG	CURB & GUTTER
EP	EP	EDGE OF PAVEMENT
FL	FL	FIRE LANE DESIGNATION
HA	HA	HANDICAP ACCESS ROUTE
CS	CS	CONCRETE SIDEWALKS
W	W	WALL
SS	SS	WHEELSTOP
B	B	BOLLARD
PC	PC	PARKING COUNT (REGULAR SPACES)
HC	HC	PARKING COUNT (HANDICAP SPACES)
SP	SP	HANDICAP SPACE
TR	TR	TREE TO BE REMOVED
TS	TS	TREE TO BE SAVED

- NOTES:**
- ALL RADIUS PARKING DIMENSIONS ARE 2.5' TO THE BACK OF CURB UNLESS OTHERWISE NOTED.
 - ALL DIMENSIONS TO CURBS ARE TO THE BACK OF CURB EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
 - SEE SITE PLAN NOTES & DETAILS SHEET FOR FIRELANE STRIPING DETAILS.
 - UPON COMPLETION OF THE PROPOSED SITE IMPROVEMENTS, AND PRIOR TO THE RELEASE OF THE CERTIFICATE OF OCCUPANCY BY THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT, THE DESIGN ENGINEER SHALL CERTIFY IN WRITING THAT THE PROPOSED FILTRATION FACILITY WAS CONSTRUCTED IN CONFORMANCE WITH THE APPROVED PLANS.
 - CONTRACTOR SHALL CALL ONE CALL CENTER (472-2822) FOR UTILITY LOCATION PRIOR TO ANY WORK IN CITY EASEMENTS OR STREET R.O.W.
 - SLOPES ON ACCESSIBLE ROUTES MAY NOT EXCEED 1:20 UNLESS DESIGNED AS A RAMP. [TAS 4.3.7]
 - SLOPES ON ACCESSIBLE RAMP GREATER THAN 1:20 SHALL REQUIRE HANDRAILS.
 - THE MAXIMUM SLOPE OF A RAMP IN NEW CONSTRUCTION IS 1:12. THE MAXIMUM RISE FOR ANY RAMP RUN IS 30 IN. [TAS 4.8.2]
 - ACCESSIBLE ROUTES MUST HAVE A CROSS-SLOPE NO GREATER THAN 1:50. [TAS 4.3.7]
 - GROUND SURFACES ALONG ACCESSIBLE ROUTES MUST BE STABLE, FIRM, AND SLIP RESISTANT. [TAS 4.3.1]
 - THE ENVIRONMENTAL INSPECTOR HAS THE AUTHORITY TO ADD AND/OR MODIFY EROSION / SEDIMENTATION CONTROL ON SITE TO KEEP PROJECT IN COMPLIANCE WITH THE CITY OF BEE CAVE RULES AND REGULATIONS.
 - NATIVE REVEGETATION (HILL COUNTRY WILD FLOWER MIX) REQUIRED FOR ALL DISTURBED AREAS INCLUDING ALL DISTURBED NATURAL AREAS AS SHOWN ON LANDSCAPE PLAN.
 - THE DRIVEWAY AND PARKING SPACES WILL BE CONSTRUCTED IN ACCORDANCE WITH THE RECOMMENDATIONS IN THE GEOTECHNICAL REPORT #98115204, PERFORMED BY TERRACON ON FEBRUARY 14, 2012. PLEASE REFER TO THE REPORT FOR THE HOT MIX, COMPONENT AND MATERIAL THICKNESS.
 - RETAINING WALL DESIGNED BY OTHERS; REFER TO STRUCTURAL PLANS FOR WALL AND FOOTING DETAILS.

MAXIMUM LOT IMPERVIOUS COVER PERCENTAGE = 40%
MAXIMUM LOT IMPERVIOUS COVER = 127,613.2 SQFT

Impervious Cover	Area	Area Credit
Buildings (Roof Line)	7,121.3 SF	7,121.3 SF
Sidewalks	3,281.6 SF	3,281.6 SF
Parking - Asphalt	30,455.9 SF	30,455.9 SF
Parking Shared	4,148.2 SF	4,148.2 SF
Parking - Concrete	1,191.7 SF	1,191.7 SF
Phase 1 Course	12,120.5 SF	12,120.5 SF
Phase 1 Deck*	2,724.6 SF	1,362.3 SF
Phase 1 Water Features	764.9 SF	764.9 SF
Pond	4,127.5 SF	4,127.5 SF
Phase 2 Course	9,209.5 SF	9,209.5 SF
Phase 2 Deck*	41.5 SF	20.5 SF
Phase 2 Sidewalk	329.3 SF	329.3 SF
Phase 2 Water Features	977.5 SF	977.5 SF
Total	75,109.6 SF	75,109.6 SF

* exposed deck not covered by building rooflines, 50% reduction

	Lot 3	Lot 4
Gross Site Area	319,033.0	341,823.4
Impervious Cover	70,961.4	41,482.21
% Impervious Cover	22.24%	1.21%
WQBF Area	800,563.3	751,787.9
Net Site Area	238,976.7	266,644.6
Impervious Cover	70,961.4	41,482.2
% Impervious Cover	29.69%	1.56%

PAVEMENT LEGEND

DI-1 HOT MIX ASPHALTIC CONCRETE
DI-2 HOT MIX ASPHALTIC CONCRETE
DI-2 RIGID CONCRETE

Adjacent Property Owners:

West: Nitro Swimming Bee Cave LLC; 15506 West State Highway 71 D, Bee Cave, Texas 78738
East & South: Summit Austin 56 LTD; 3800 Southwest Freeway Suite 302, Houston, Texas 77027-7587
North: Falcon Head West; P.O. Box 342585, Austin, Texas 78734



THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

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STATE OF TEXAS
DAVID S. RATCLIFF
97351
LICENSED PROFESSIONAL ENGINEER

SITE PLAN

HILL COUNTRY GOLF AND GUITAR
15606 W. HWY 71

LAKE TRAVIS ENTERTAINMENT, LLC

DRAWN BY: ML
DESIGNED BY: ML/JAI
REVIEWED BY: JAI
PROJECT NO.: 108732-10002

SHEET
8
OF 23

EXHIBIT "B"
CONDITIONAL USE PERMIT REQUIREMENTS

1. Live music performance space, size, orientation, and depiction of how it will be used.

The stage will not exceed 22 ft. x 15 ft. (330 sq. ft.) and shall be located at the center of the Property. The stage shall be oriented towards the South facing the restaurant and Highway 71, away from Falconhead West and homes. The restaurant shall be authorized to feature live music on Thursday evenings, Friday evenings and on the weekends. From time to time, the restaurant may feature live music during the week, especially during the summer months. Performers shall consist of be solo guitar artists playing country, blues, rock and jazz or small bands. On Sunday mornings, the restaurant may feature Christian Rock brunch. The restaurant shall also be authorized to feature young people (middle and high school students) who have auditioned and demonstrated their ability to perform. Hill Country Golf & Guitar will be a family-oriented place for young people to showcase their talent in the community. Hill Country Golf & Guitar will meet all requirements of the noise ordinance for decibel levels as designated and as otherwise described in the Conditional Use Permit.

2. Total square feet of all buildings.

- | | |
|----------------------|---------------|
| 1. Restaurant: | 5,627 sq. ft. |
| 2. Deck: | 720 sq. ft. |
| 3. Stage: | 330 sq. ft. |
| 4. Pro Shop: | 280 sq. ft. |
| 5. Restroom-Outdoor: | 144 sq. ft. |

3. Hours of operation.

Monday, Tuesday, Wednesday, Thursday	11:00 AM to 10:00 PM
Friday	11:00 AM to 11:00 PM
Saturday	10:00 AM to 11:00 PM
Sunday	10:00 AM to 9:00 PM

Summer hours may differ but will not exceed the window of 10:00 AM to 11:00 PM at any time.

4. Lighting standards.

Hill Country Golf & Guitars will comply with the City lighting standards and will support all codes as stipulated in Section 32.05.012 COBC Code of Ordinances. The current construction documents are consistent with the Code of Ordinances.

5. Parking spaces required.

75 Parking spaces shall be provided as depicted in the Concept Plan.

The number of parking spaces required by use is calculated below based on the approved standard for a restaurant:

- One (1) parking space for every three (3) seats under maximum seating arrangement: a total of 223 seats at maximum capacity divided by 3 equals a requirement of 75 spaces.